

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

February 20, 2012 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 pm.

Commissioner Mitchell provided the Invocation.

Boy Scout Troop #476 from St. Mark's Lutheran Church led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Ford seconded and the vote to approve the minutes of the January 25, 2012 and February 6, 2012 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Barber moved to add a request to the Consent Agenda to set a public hearing for March 5, 2012 for the Community Development Block Grant Application. The motion was seconded by Commissioner Sides and passed unanimously.

Chairman Mitchell added the issue to the Consent Agenda as item d.

CONSIDER DELETIONS FROM THE AGENDA

- Commissioner Barber moved to delete agenda item #4 (Public Hearing for Project Protein) and to reschedule the public hearing to March 5, 2012. The motion was seconded by Commissioner Coltrain and passed unanimously.
- Commissioner Sides made a motion to remove item #6 (Public Hearing to Consider Ban of Smoking and Use of Tobacco Products in County Parks) from the agenda. The motion was seconded by Commissioner Ford.

In response to a query from Commissioner Coltrain, Commissioner Sides stated he wished to pull the issue for review at some time in the future.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Coltrain and Barber dissenting.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the agenda as amended passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Ford and passed unanimously.

The Consent Agenda consisted of the following:

- A. Report of 2011 Delinquent Tax
- B. Emergency Services Surplus Equipment Recommendation
- C. Proclamation Declaring March 2012 as Brain Injury Awareness Month
- D. Set Public Hearing for March 5, 2012 for Community Development Block Grant Application (Addition to the agenda)

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward and their comments focused on a recent letter the Commissioners received from the American Civil Liberties Union (ACLU) of North Carolina. The letter addressed constitutional concerns with regards to sectarian legislative prayer opening meetings of the Rowan County Board of Commissioners.

- Bruce Graham spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- George Simmons spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Terry Brown spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.

- Greer Marchand spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Pastor Ricky L. Perry spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Pastor Flip Benham spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.

Commissioner Ford moved to extend the time allotted for Public Comment Period. The motion was seconded by Commissioner Sides and passed unanimously.

- Rod Whedbee spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Darlene Blount spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Terry Deitz spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- John Melton spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Robert Simpson spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Larry Wright spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- John Bare spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Marina Bare spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Jesse Laws spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Dean Hunter spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Allen Montgomery spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Stanley Richert Freeborn spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Chris Crowell spoke in opposition of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Matthew Truitt spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Timothy Truitt spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Dorothy Earle spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.
- Reverend Gary Posey spoke in support of the Board of Commissioners continuing to open meetings with sectarian prayer.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

Chairman Mitchell expressed appreciation to those who had spoken and said, "This is what American government is about". Chairman Mitchell said he wished the Fourth Circuit Court of Appeals could also hear those who had spoken.

Chairman Mitchell called for a recess at 7:03 pm.

Chairman Mitchell reconvened the meeting at 7:20 pm.

3. PUBLIC HEARING FOR SPECIAL CONSIDERATION TO REALIGN ENTRANCE TO BLACKBEARD LANE

Planning Technician Fredda Greer referred to the information in the agenda packet. The report explained that James and Malinda Beard had inquired of Planning Staff as to the possibility and the process of changing the entrance location of Blackbeard Lane as it runs off Emanuel Church Road. The Beards had named the road through the county process in 1998 and had purchased the road sign themselves. The Beards told Staff when they acquired their property and built the road named Blackbeard Lane, the property (TP 386 021) was owned by Nell Bryant who is now deceased. Ms. Bryant's daughter, Shannon Earnhardt, now owns the property. There have been problems between the property owners, which seems heightened by the road use and its maintenance.

The Beards were requesting to move the road entrance further south to be entirely on their property so they could continue its upkeep without the destruction they felt was brought about by the residents of the Earnhardt property. The road sign would be relocated to the new entry. There are only two (2) structures requiring addresses on the Earnhardt property, therefore, the structures could be addressed with an Emanuel Church Road address and remain in compliance with the county's addressing ordinance.

Staff recommended approval of the request.

Chairman Mitchell opened the public hearing to receive citizen input regarding the request. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Slides moved, Commissioner Barber seconded and the vote to approve the request to realign the entrance for Blackbeard Lane and the address change passed unanimously.

4. PUBLIC HEARING FOR PROJECT PROTEIN

This item was deleted from the agenda and rescheduled for March 5, 2012.

5. PUBLIC HEARING FOR FIRE PREVENTION AND PROTECTION ORDINANCE

Planning and Development Director Ed Muire said the draft Fire Prevention and Protection Ordinance (FPO) was referred to the Planning Board for study and recommendation by the Commission on September 6, 2011.

Mr. Muire highlighted the proposed ordinance and reminded the Board that the Planning Board offered an unfavorable recommendation (8-2 vote) for the FPO.

Chairman Mitchell opened the public hearing to receive citizen input regarding FPO 01-11. The following individuals came forward to address the Board:

- Craig Pierce, a member of the Planning Board, said the original document was 34 pages and had been condensed to 4 pages. Mr. Pierce felt the time had come to give county employees the authority they needed to write the citations.
- Larry Wright, member of Planning Board, felt if the criminal citations were issued, the citations would become an effective tool and that once invoked, businesses would begin to comply.

With no one else wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Barber moved approval of FPO 01-11. The motion was seconded by Commissioner Coltrain.

Commissioner Sides said it had been stated 30% of businesses were non-compliant. Commissioner Sides said in the discussions he had attended, the percentage was never presented until after there was opposition to the ordinance. Secondly, Commissioner Sides said it had been stated there were unsafe businesses that endangered the lives of individuals and the Fire Marshal was taking no action. Commissioner Sides said the Fire Marshal would be derelict in his duty if he took no action, regardless of whether the penalties were civil or criminal; therefore, "that does not exist". Commissioner Sides said the conversations he heard were that one or two businesses in the County were non-compliant and staff should exercise the control it already had. Commissioner Sides said the Planning Board vetted the ordinance and on a vote of 8-2, the recommendation was unfavorable.

Commissioner Ford referred to the unfavorable recommendations from various Planning Board meetings. Commissioner Ford said he attended all the meetings and heard the discussion where one or two businesses were out of line. Commissioner Ford said those businesses should be cited if they are creating safety hazards. Commissioner Ford said he appreciated the work of the Planning Board; however, he felt the ordinance went too far and created more

government control over businesses. Commissioner Ford said he could not support the ordinance as it stood.

Commissioner Coltrain said the ordinance was developed as the result of a request from contractors and people in the community to the Fire Marshal. Commissioner Coltrain said a significant amount of time had been spent creating a document to ensure people were treated fairly and equally. Commissioner Coltrain said he did not see any reason not to give staff the tools they needed to enforce the North Carolina Fire Code Ordinance.

Chairman Mitchell asked Fire Marshal Tom Murphy if his office enforced the state fire code and the building code as related to the fire code. Mr. Murphy said yes.

Chairman Mitchell asked if the document added to the state building code or fire code in terms of “anything that a builder or business owner would have to do with this passed versus the state code as it exists right now”. Mr. Murphy responded no.

Chairman Mitchell said the proposed amendments took the state building and fire code and put it into language that was fairly understandable. Chairman Mitchell said he liked the shorter document and did not feel there were any substantive changes to the shorter document.

Chairman Mitchell said the Fire Marshal’s Office could only currently issue misdemeanor citations. Chairman Mitchell asked how many businesses would receive civil penalties “today” if the Fire Marshal had the authority to issue civil penalty violations. Mr. Murphy said according to the inspectors, approximately 33% of the businesses inspected were non compliant and would receive civil citations.

In response to an inquiry from Chairman Mitchell, Mr. Murphy said businesses were not penalized with fees for violations on the first inspection. Mr. Murphy said there were no fees until after the third inspection.

Chairman Mitchell referred to the proposed text and asked if the fees under the Section 6 (d) were county or state fees. Mr. Murphy said he had inserted the fees; however, the fees would be at the discretion of the Board. Mr. Murphy said the fees had a higher value due to the nature of more serious violations.

Chairman Mitchell said the proposed text was nothing more than the state building code and he did not see the document as adding more requirements to businesses. Chairman Mitchell said he had no problem with the proposed document.

Commissioner Ford asked why the document should be adopted if the document mirrored the state ordinance. Mr. Murphy explained that the state gives the authority to issue civil citations and the other was increased fees for the major violations. Mr. Murphy said the severe penalties such as blocked exits, had no fees associated through the state.

Commissioner Sides questioned the violations of the 33% of businesses that were out of compliance. Mr. Murphy said the businesses had minor violations such as exit lights burned out, fire extinguishers, etc. Mr. Murphy said major violations, such as blocked exits, were handled at the time.

Commissioner Sides said he would like a list of the businesses that were in violation after three (3) visits.

Commissioner Barber asked what would be the difference in the proposed ordinance and the City of Salisbury's ordinance for businesses that were located in the City of Salisbury versus the County. Mr. Murphy said the ordinances were very similar; however, he thought the fees were higher in the City.

Commissioner Barber asked how many months Mr. Murphy and his Staff spent creating the first ordinance submitted to the Board and Mr. Murphy estimated eighteen (18) months. Commissioner Barber said it had also taken six (6) months for the Commissioners to receive the ordinance once it had been submitted to the Planning Board. Commissioner Barber said the two (2) years it had taken to receive a 4-page document was a long time in regards to firefighters' safety.

Commissioner Barber asked Mr. Murphy if he believed the proposed ordinance protected the firefighters and the people inside the building, better than the current ordinance. Mr. Murphy responded yes and said he felt the civil citations would create better compliance.

Commissioner Barber asked if the ordinance had been discussed with fire personnel at the monthly meetings held by the Fire Association. Mr. Murphy said he had updated the fire personnel at every meeting.

Commissioner Barber asked if he and his Staff also helped developed the condensed ordinance and Mr. Murphy said yes.

Commissioner Barber said the key point for him was firefighters' safety and that he supported the document.

Commissioner Sides felt it would have been better to pay Staff to inspect the 33% of the businesses that were out of compliance, rather than to pay Staff for eighteen (18) months to develop a document that had been pared down to four (4) pages.

Commissioner Sides called the question and upon being put to a vote the motion on the floor passed 3-2 with Commissioners Sides and Ford dissenting.

The text was presented as follows:

[Sec. 7-60. - Fire code adopted.](#)

(1)*Adoption.* There is hereby adopted the 2006 edition of the North Carolina State Building Code: Fire Code, **(NCSBCFC)** including Appendix chapters B through H, as may be amended from time to time, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the county, and providing for the issuance of permits for hazardous uses or operations. This code is hereby adopted as if fully set out herein; provided that if the ordinances of the county impose greater restrictions than those imposed by this code, then the provisions of such county ordinance shall prevail. A copy of such code is filed with the fire marshal of the county. If the appendices conflict with local established ordinances, the local ordinance shall prevail as permitted by law.

(2)*Enforcement; fire division of the department of emergency services.*

(a)The fire prevention code adopted by the provisions of this article shall be enforced by the fire division within the department of emergency services of the county, which is hereby established and which shall be operated under the supervision of the director of emergency services.

(b)The director of emergency services, subject to the approval of the county manager, shall designate a manager of the fire division which shall serve as fire marshal, and who shall be in charge of the fire division. Such designation shall be on the basis of an examination to determine qualifications of a candidate under consideration.

(c)The director of emergency services may detail such members of the emergency services department as inspectors as shall from time to time be necessary.

(d)Terms not defined herein that are integral to administration and enforcement of the County's fire prevention program shall have the same meanings as terms contained in the NCSBCFC.

(3) *Permits and Inspections.*

(a)An operational, construction or special use permit shall be obtained from the Fire Division prior to commencing any work to erect, construct, enlarge, install, alter, repair, move, improve, remove, convert or demolish any building, structure, or service system as required by the NCSBCFC. No permits will be issued to unlicensed individuals or companies when the scope of work is in conflict with licensure requirements of the North Carolina General Statutes or North Carolina State Building Code.

(b) Permit applications shall be made on a form(s) provided by the Fire Division and include two (2) copies of plans, blueprints or scaled drawings of sufficient clarity and detail to indicate the nature and character of the proposed work. Hydraulic calculations, fire resistive and structural integrity specifications, manufacturer's installation guidelines and related supporting documentation should also accompany the application when necessary for review prior to permitting. The provisions of this section do not apply to one and two-family dwellings.

(c) The Fire Division must be notified at least 24 hours in advance to schedule any inspections. Required inspections include, but are not limited to:

1. Inspection of pressure testing of all piping.
2. Rough-in inspection of wiring or piping prior to concealment by building finishes.
3. Inspection of any hydrants to insure proper placement to meet NCSBCFC standards.
4. Final inspection and complete system testing to include pull stations and smoke detectors.

(4) Permit Types and Inspection Frequency.

(a) Operational Permits are required by the NCSBCFC to conduct the following types of operations.

1. Amusement buildings, including Halloween Haunted Houses
2. Aviation facilities
3. Carnivals and fairs
4. Covered mall buildings
5. Exhibits and trade shows
6. Explosives (blasting, storage, manufacturing, etc.)
7. Fumigation and thermal insecticidal fogging
8. Hazardous materials storage
9. Hazardous Production Material facilities
10. High-piled or high rack storage
11. Liquid or gas fueled vehicles or equipment in assembly buildings
12. Open burning commercial
13. Pyrotechnic special effects material proximate audience
14. Spraying or dipping operations
15. Temporary membrane structures, tents exceeding 200sq ft and canopies exceeding 400 sq. feet)
16. Fireworks sales tent/stand
17. Fireworks for public display, outdoors

(b) Construction Permits are required by the NCSBCFC to install, renovate or modify the following systems or equipment prior to commencing work.

1. Automatic Fire Suppression System
2. Automatic Sprinkler System
3. Standpipe System (not part of a sprinkler system)

4. Fire Alarm And Detection System (includes devices connected into alarm system)
5. Fire Pumps And Related Equipment
6. Private Fire Hydrants
7. Compressed Gas Systems (amounts exceed those listed in table 105.6.8)
8. Hazardous Materials Facility or other area:
9. Flammable And Combustible Liquids Storage Tanks

(c) Occupancy types and frequency of inspections required by the NCSBCFC are listed below. Initial and first follow-up inspections are conducted at no cost to the applicant, although subsequent re-inspections for code compliance will be assessed \$35.00 for a second follow-up inspection and \$50.00 for third and successive re-inspections.

12 month inspection	24 month inspection	36 month inspection
Hazardous	Factory industrial	Assembly (occupant load <100)
Assembly	Educational (excluding public & private schools)	Business
Day Care Facility		Mercantile
High Rise		Storage
Institutional		Churches
Hospital		Synagogues
Residential Care		Mosques
Residential (other than 1 & 2 family)		Utility
Educational (public & private schools)		Miscellaneous Group U

~~(5)(3)~~ **Appeals.** Whenever the fire marshal shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the fire prevention code adopted by the provisions of this article do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal to the director of emergency services and subsequently to the county manager. Appeals from the decision of the county manager shall be made to the board of county commissioners within thirty (30) days from the date of the decision from which the appeal is taken.

~~(6)(4)~~ **Citations and Penalties.**

(a) **Misdemeanor citations.** Any person who shall violate any of the provisions of the fire prevention code adopted by the provisions of this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued

thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable as provided in [section 1-7](#). The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified in the fire prevention code, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty provided in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(c) Civil Penalties. The Fire Division is empowered to issue notices of violation and civil citations when fire inspectors have reasonable cause to believe that any person or business has violated any provision of the NCSBCFC, as amended, or this code. The notice of violation or civil citation may be delivered in person to the violator or, if the violator cannot be readily found, the notice of violation or civil citation may be mailed by certified mail.

The notice of violation may specify a period during which the violator must correct the violation. If the violation is not corrected within the specified time, the violator shall be guilty of a new and separate offense. The new violation notice shall specify the penalty to be imposed on the violator and shall direct the violator to appear to the Fire Division within 30 days to pay the penalty or, alternatively, to pay the penalty by mail.

(d) *Violations Types and Associated Fines.* Violation(s) consisting of locked and/or blocked exits, impedance of the occupants to quickly evacuate a structure or premise, or conditions posing imminent danger to the occupants on or about the premise or Violation(s) of Occupancy Limits established pursuant to the NCSBC and/or NCSBCFC must be fixed or corrected during the time of the inspection if at all possible.

On a first or second offense, if the violator does not pay the penalty within 30 days after issuance of the notice of violation or civil citation, a delinquency charge of \$10.00 will be added to the amount specified in the notice of violation or civil citation and the notice of the delinquency charge shall be mailed to the violator.

On a third offense of the same code violation during the same calendar year, there is a per day civil penalty until the violation is corrected.

If the penalty and delinquency charge are not paid within the time allowed, Fire Division personnel may have a criminal summons as provided in Section 6(a) of this chapter issued against the violator for the violation of the NCSBCFC, or this ordinance. Upon conviction, the violator shall be subject, in addition to any

criminal penalty the court may impose pursuant to the provisions contained in the NCSBCFC or this ordinance, to the penalty specified in the notice of violation or civil citation and the delinquency charge. Any violation incurring more than a year after issuance of the initial citation shall be treated as a first offense for establishing and imposing penalties.

(1) Occupancy limit violation(s):

First offense...50.00 / Second offense...100.00 / Third and subsequent offenses...250.00

(2) Violation(s) consisting of locked or blocked exits, impedance of the occupants to quickly evacuate a structure or premise or conditions posing imminent danger to the occupants on or about the premise.

First offense...100.00 / Second offense...200.00 / Third and subsequent offenses...350.00

(3) Violation(s) consisting of parking in Fire Lane, blocking of Fire Hydrant, failure to place Hazardous Materials Warning Signs (NFPA 704) where required by the code.

First offense...35.00 / Second offense...50.00 / Third and subsequent offenses...100.00

(4) Violation(s) of the Open Burning section of this ordinance and/or any State Air Quality

Open Burning Regulations.

First offense...35.00 / Second offense...50.00 / Third and subsequent offenses...100.00

(5) Failure to obtain permit for pyrotechnic display.

Each offense...300.00

(7) Miscellaneous Provisions.

(a) Fire Lanes. Fire Division personnel shall have the authority to designate fire lanes necessary for fire apparatus accessibility. All designated fire lanes shall be marked as specified by the NCSBCFC.

Additional signs shall be posted as specified by Fire Division personnel. All fire lanes previously designated and described by the County prior to this amendment shall remain as fire lanes and maintained as such. The parking of motor vehicles or other obstruction of a required fire lane shall be prohibited at all times per the Fire Code.

(b) Fire Hydrants. The installation, inspection, marking, testing, maintenance, obstructions of, and clearances from fire hydrants are subject to approval and verification by the Fire Division and shall comply with Section 508 of the NCBCFC and applicable NFPA standards.

(c)Hazardous Materials Disclosure and Signage. Hazardous materials disclosure shall be as specified in G.S. 95-173 through G.S. 95-218. Facilities storing or using hazardous materials shall file and maintain all required information on the online E-Plan hazardous materials database and submit annual updates on same. Hazard and identification signs as outlined in NFPA 704 shall be placed accordingly at all entrances to and in locations where hazardous materials are stored, handled, or used in excess of the exempt amounts. A reference guide on the sizes of signs, signals and their placement will be made available to the public from the Fire Division upon request.

(d)Key Boxes. The Fire Division shall have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult, because of security. For standardization across all fire protection districts, locations utilizing or having been required to install a key box for emergency access shall use KNOXtm secure key box system components.

(e) Smoke Detectors and Carbon Monoxide Detectors (For Rental Property - Landlords and Tenants)

Installation, use, and maintenance of smoke/carbon monoxide detectors shall comply with the Landlord and Tenant Act, Chapter 42, of North Carolina General Statutes; Article 5 of Chapter 42: Residential Agreements G.S. 42-42(a) (5); 42-42(a)7; G.S. 42-43 (a) (7) and G.S. 42-44 (a) (a1) (a2).

(f)Fireworks. No person shall use or explode any fireworks for public display without having first obtained approval from the Rowan County Board of Commissioners and acquired a permit from the Fire Division and meeting the requirements of the NCSBCFC.

(1)Public Display. Any person wishing to obtain a permit for fireworks for public display shall first submit an application with the Fire Division 60 days prior to the event. The permit holder shall provide proof of insurance as required by NCGS 14-413. The Fire Division is responsible for making the site inspections shall make such inspections as deemed necessary to assure the site is in compliance. Once the Fire Division is satisfied that the site is ready and in compliance with the provisions of the fire code, then the permit shall be issued. The permit shall not be transferable. The permit shall be valid only as specified as per the conditions of the permit.

(2) Permit Revocation. If due to atmospheric conditions or other such conditions that may cause a danger to life and/or property from the display of the fireworks, or if there is a burning ban in place, the Fire Division may revoke the permit. Failure to abide by the rules and regulations of the NCSBCFC shall be subject to a Civil Citation and immediate revocation of the permit.

(3)Sale of Fireworks. It shall be unlawful for any person to possess, store, offer for sale, sell at retail, without having first obtained a permit if one is required, from the Fire Division and meeting the requirements of the RCFPPO & NCSBCFC. All fireworks offered for sale must meet those allowed by North Carolina General Statute 14-414 and NCSBCFC.

(4) Seizure and Disposal of Fireworks. The Fire Division may seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of NCSBCFC, NCSBC and NCGS 14-414. Failure to abide by the rules and regulations of the Fire Code shall be subject to a Civil Citation.

6. PUBLIC HEARING TO CONSIDER BAN OF SMOKING AND USE OF TOBACCO PRODUCTS IN COUNTY PARKS

This item was deleted from the agenda.

7. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Emergency Services – Reimbursement received for Hazardous Materials Response on November 3, 2011 - \$259
- Health – New bonus funds for all local health departments. Funds will be used for salary and fringe FY 2011-12 - \$16,075
- Finance – To appropriate restricted fund balance and expenditures for additional grading expenses at Dan Nicholas Park - \$12,900
- Social Services – Additional funding for Low Income Energy Assistance and Crisis Intervention payments to assist clients - \$373,248
- Finance – To revise fire department budget to allow for increased collections - \$339,750

Commissioner Sides moved approval of the budget amendments as presented. The motion was seconded by Commissioner Barber and passed unanimously.

8. ADJOURNMENT

There being no further business to come before the Board, Commissioner Ford moved to adjourn at 7:45 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager